

UNITED STATES DISTRICT
IN THE EASTERN DISTRICT OF MICHIGAN

EKAETE UDOROH,

Plaintiff,

Case No. 2014-

Hon.

v.

UNITED STATES OF AMERICA,

Defendants.

THE THURSWELL LAW FIRM, P.L.L.C.

MILTON H. GREENMAN (P34621)

ERIK L. PROULX (P74663)

Attorneys for Plaintiff

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A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in this Court and was dismissed without prejudice. The action is no longer pending. The docket number and the judge assigned to the action were: 2:14-cv-13508-PDB-MJH, Hon. Paul D. Borman presiding.

**COMPLAINT OF MEDICAL NEGLIGENCE AGAINST DEFENDANT
AND AFFIDAVIT OF MERITORIOUS CLAIM**

NOW COMES Plaintiff, EKAETE UDOROH, by and through her attorneys, THE THURSWELL LAW FIRM, P.L.L.C., and for her Complaint,

of Medical Negligence Against Defendant and Affidavit of Merit against the above named Defendant, states as follows:

1. That Ekaete Uدورoh is a resident of this jurisdiction and the State of Michigan.
2. That the Defendant United States is a well-known government entity, which on occasion employs physicians, or on occasions has physicians act on its behalf as Defendant's agents.
3. That Plaintiff alleges that Dr. Leslie Danley, in the years 2011 and 2012, was an employee of the Defendant United States when practicing at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center f/k/a Bruce Douglas Health Center located in Wayne County, Michigan.
4. That Plaintiff alleges that Dr. Leslie Danley, in the years 2011 and 2012, was an agent of the Defendant United States when practicing at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center f/k/a Bruce Douglas Health Center located in Wayne, Michigan.
5. That Plaintiff alleges that Dr. Leslie Danley, in the years 2011 and 2012, was an ostensible agent of the Defendant United States when practicing at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center f/k/a Bruce Douglas Health Center located in Wayne, Michigan.

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6. That the amount in controversy exceeds \$50,000 exclusive of costs, interest and attorney fees from Defendant.

7. That this Court has original jurisdiction in this matter inasmuch as the Defendant is the United States. 28 U.S.C. §1346.

8. That for all relevant times hereto in 2012, when the Defendant United States provided medical care and treatment to Plaintiff, Ekaete Uدورو، through its agent, ostensible agent and/or employee physician, Dr. Leslie Danley, Dr. Leslie Danley was acting as an OB/GYN physician specialist.

9. That in the years 2011 and 2012, at a minimum, the Defendant United States, by and through its employee, agent or ostensible agent, OB/GYN physician, Dr. Danley, established a patient-physician relationship with Ekaete Uدورو،.

10. That in the late Summer/Fall 2011, Ekaete Uدورو، became pregnant.

11. That by December 2011, Plaintiff, Ekaete Uدورو، began receiving prenatal or obstetric care and treatment from the Defendant through Dr. Leslie Danley at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center d/b/a Bruce Douglas Health Center located in Wayne County, Michigan.

12. That obstetric care and treatment was continued by the Defendant through Dr. Leslie Danley at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center d/b/a Bruce Douglas Health Center located in Wayne County, Michigan, in January 2012.

13. That obstetric care and treatment was continued by the Defendant through Dr. Leslie Danley at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center d/b/a Bruce Douglas Health Center located in Wayne County, Michigan, in February 2012.

14. That obstetric care and treatment was continued by the Defendant through Dr. Leslie Danley at the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center d/b/a Bruce Douglas Health Center located in Wayne County, Michigan, in March 2012.

15. That the medical information acquired by the Defendant through Dr. Leslie Danley, OB/GYN physician, in her prenatal care and treatment of Plaintiff Ekaete Uدورو can be summarized such that Plaintiff Ekaete Uدورو suffered in her prenatal time period from preeclampsia if not severe preeclampsia.

16. That the last prenatal visit of Ekaete Uدورو completed by Defendant and its agent, employee and/or ostensible agent, Dr. Leslie Danley, was March 7, 2012. At that time, Plaintiff Ekaete Uدورو had blood pressure

records of 220/121 in the Detroit Community Health Connection, Inc., d/b/a Dr. Feleta Wilson Health Center d/b/a Bruce Douglas Health Center.

17. That Plaintiff alleges that the Defendant United States though its agent, employee and/or ostensible agent physician, Dr. Leslie Danley, committed medical negligence, which eventually led to injuries and damages to Plaintiff, Ekaete Uدورoh, but not specifically on March 7, 2012, but only thereafter, by failing to comply with OB/GYN physician standards of practice on March 7, 2012, which eventually resulted in injuries and damages to Plaintiff Ekaete Uدورoh, described as vision loss and/or vision impairment.

18. That Defendant, through Dr. Leslie Danley, as an OB/GYN physician specialist, was obligated to comply with OB/GYN physician standards of practice when providing OB/GYN physician care and treatment to Plaintiff, Ekaete Uدورoh, during the times she rendered OB/GYN physician care and treatment to her, and on March 7, 2012, but in violation of OB/GYN physician standards of practice, Defendant, through its agent, employee and/or ostensible agent, Dr. Danley committed medical negligence on March 7, 2012, in one or more of the following ways, which Plaintiff alleges eventually caused or substantially contributed to injuries or damages incurred by Plaintiff Ekaete Uدورoh, which can be described as visual loss or visual impairment:

- A. Failed to immediately hospitalize the patient, Ekaete Uدورoh, to a tertiary care facility, such as University of Michigan Hospital, Henry Ford Hospital – Main, or Hutzel Hospital;
 - B. Failed to order continuous monitoring of blood pressures
 - C. Failed to provide I.V. antihypertensive medications to control blood pressure, including but not limited to Labetalol or Hydralazine;
 - D. Failed to provide magnesium sulfate to the patient, Ekaete Uدورoh, prophylactically;
 - E. Failed to order STAT urine dip at a minimum, along with the order of a 24-hour urine inpatient hospitalization; and
 - F. Failed to continually monitor the fetus.
19. That in support of this Complaint for medical negligence against Defendant, and its employee, agent and/or ostensible agent, Dr. Leslie Danley, Plaintiff provides the Affidavit of Meritorious Claim of Dr. Ronald Zack, OB/GYN physician specialist and incorporates the same into this Complaint as if restated paragraph for paragraph.
20. That as a result of the medical negligence of the Defendant or otherwise violation of OB/GYN physician standards of practice, Plaintiff Ekaete Uدورoh, not on March 7, 2012, but subsequently presented to a hospital within this jurisdiction identified as South Macomb Hospital, where she presented in hypertensive crisis due her preeclamptic or severe preeclamptic condition, and within subsequent days, and only in subsequent days, was then diagnosed with

vision impairment or vision loss by the approximate day of discharge on March 14, 2012.

21. That as a direct and proximate cause of the OB/GYN physician negligence of the Defendant, by and through its employee physician or agent, employee or ostensible agent, Dr. Leslie Danley, as outlined in this Complaint and supported by Affidavit of Merit of Dr. Ronald Zack, Plaintiff, Ekaete Uدورoh, alleges that she has suffered injuries and damages constituting vision impairment or vision loss that she otherwise not suffered had the Defendant complied with OB/GYN physician standards of practice.

22. That Plaintiff claims any and all damage recoverable under Michigan law, including economic and non-economic.

23. That Plaintiff filed an FTCA 95 Form on March 11, 2012, and has received communication from the Defendant, through its agents, servants and/or employees, but no confirmation of agreement for resolution has been provided by the Defendant, by and through its agents, servants and/or employees, and therefore, Plaintiff files this Complaint against the Defendant United States within six months before the expiration of the 6-month time period after filing the FTCA 95 Form.

WHEREFORE, Plaintiff, being without relief except as it may exist in this Honorable Court, demands judgment against the Defendant in excess of

Fifty Thousand (\$50,000) Dollars that she may be found to be entitled, together with costs and attorney fees herein so wrongfully sustained, and lawful judgment interest thereon.

Respectfully submitted,

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Dated: November 25, 2014

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